IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE JURISDICTION

CONTEMPT PETITION NO. 101 OF 1989

Amritlal Jaitram Panchal & ors .. Petitioners

vs

Govardhandas Viroomal Chandiramani & ors.Respts

Mr.M.D.Angal for Petitioners
Mr.P.P.Naidu for Respondent No.1
Ms Geeta Mulekar G.P.for Respondent No.2

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CORAM : B.H.MARLAPALLE, J

DATE: 28th September, 2005

P.C.

1. In A.O.No.279 of 1988 this Court had passed an order on 27th September, 1988 and given certain directions. It was noted that the working hours for the plaintiff shall be from 9.30 a.m. to 7.30

p.m. until the transaction between the two parties is completed and/or until the suit is disposed of and during these hours there shall be no obstruction from the defendants in the plaintiff carrying on their manufacturing activities in the said area of 200 sq.feet as mentioned in the agreement. It is alleged in this Contempt Petition that the respondent no. 1 persisted to obstruct the petitioners i.e. Amritlal Jaitram Panchal and Smt.Savitaben Mangaldas Panchal. The respondent no. 1 has filed an affidavit in reply and while clarifying the background of the case it has been stated that this Contempt Petition has been filed by way of an attempt to harass the respondent no. 1 . The resondent no. 1 has stated on oath that at no point of time after this Court had passed an order on 27th September, 1988 that the respondent no. 1 had obstructed any of the petitioners from entering into the premises. It is pertinent to note that the restraining orders passed by this Court on 27th September, 1988 were regarding the obstruction and directing the defendants not to obstruct the plaintiff’s carrying on their manufacturing activities in the said area of 200 sq.feet. There is absolutely no material or any

averments in the Contempt Petition to show that the manufacturing activities were obstructed by the respondent no. 1 at any time from 27th September, 1988 till the date of the filing of this Contempt Petition.

2. Hence, Contempt Petition fails and the same is hereby dismissed.

(B.H.Marlapalle, J)